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respectfully requested.

Paragraph 1 of the Action suggests the specification discloses two stabilizing surfaces having generally vertical walls but not three support surfaces having generally vertical walls and, therefore, the amendatory language added to Claim 29 (similar amendments were made to pending Claim 30) is objected to under 35 USC §132. A telephone interview was conducted with Examiner Batson on October 20, 1999 to discuss the objection of Claim 29 (and potentially Claim 30) and Applicant's attorney is grateful for the courtesies extended during the interview. As discussed during the telephone interview, Applicant respectfully transverses the objection of pending Claim 29 (and potentially Claim 30) under 35 USC §132.

Applicant respectfully submits there are adequate bases for the amendments previously proffered to Claims 29 and 30 and no new matter was introduced to either pending Claim 29 or pending Claim 30. In this regard, attention is directed to Page 10, line 18 of the specification as originally filed. Therein, Applicant discloses a stabilizing land 42 protrudes inwardly from the exterior slanted surface 24 and the exterior slanted surface 26 of the adapter 12. At the bottom of Page 10 and at the top of page 11, Applicant discloses each land 42 is bordered by a curvilinear and generally vertical stabilizing wall 44. As disclosed in the specification and illustrated in original FIGURE 2 of the patent application drawings, the stabilizing wall of each land 42 extends at least partially in a fore-and-aft direction and on opposite lateral sides of said axis.

Similarly, attention is directed to Page 16, lines 15 through 18. Therein, Applicant



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discloses an adapter 12 including a pair of stabilizing lands 52. That is, each slanted surface 24, 26 on the adapter 12 is provided with a land 52. As mentioned at Page 11, line 18, each land 52 protrudes outwardly from a slanted surface 24, 26 of the adapter 12. At Page 12, lines 1 and 2 of the original disclosure, Applicant discloses each land 52 defines a wall 54 extending thereabout. As disclosed in the specification and illustrated in original FIGURE 2 of the patent application drawings, the stabilizing wall 54 of each land 52 extends at least partially in a fore-and-aft direction and on opposite lateral sides of the longitudinal axis of the adapter.

Accordingly, and in the embodiment of the invention illustrated for exemplary purposes, adapter 12 is provided with a total of four generally parallel stabilizing surfaces including the two lands 42 arranged toward the front end of the adapter and the two lands 52 arranged toward a rear end of the adapter 12. It is within the spirit and scope of the present disclosure and invention, however, to configure either slanted surface 24, 26 of the adapter 12 with two axially spaced lands while providing the remaining slanted surface of the adapter 12 with a single land. Accordingly, it is the purpose and intent of pending Claims 29 and 30 to define an invention configured with three or more lands on the opposed slanted surfaces 24, 26 of the adapter 12.

Turning to Page 14 of the specification, Applicant discloses the slanted surfaces 74, 76 of the blind cavity 72 defined by tooth 14 each have a stabilizing land 92 formed thereon and which are adapted to mate with the pair of lands 52 on the adapter 12. As disclosed at Page 15 of the specification, each land 92 is bordered by a curvilinear wall 94 that complements and corresponds in configuration to the wall 54 of the land 52 defined by the adapter 12.

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As disclosed in the original specification at Page 15, the surfaces 74 and 76 defined by cavity 72 on tooth 14 furthermore include a pair of forward lands 102. As disclosed at Page 16, each land 102 includes a curvilinear surface or wall 104. Applicant furthermore states at Page 16 of the original specification that the wall 104 of each land 102 has a configuration corresponding to and complementing the curvilinear wall 44 of each land 42 on the adapter 12.

In the embodiment of the invention illustrated for exemplary purposes, tooth 14 is provided with a total of four stabilizing surfaces including the two lands 92 preferably arranged toward a rear end of the cavity 72 and two lands 102 arranged toward a forward end of the cavity 72. It is within the spirit and scope of the present invention, however, to configure either slanted surface 74, 76 of cavity 72 defined by tooth 14 with two axially spaced lands while providing the remaining slanted surface of the cavity 72 with a single land. Accordingly, it is the purpose and intent of pending Claims 29 and 30 to define an invention configured with three or more lands on opposed slanted surfaces 74, 76 of cavity 72 defined by tooth 14. As is apparent, the specification as originally filed, provides adequate bases for the amendments to pending Claims 29 and 30. Accordingly, reconsideration and removal of the objection to pending Claims 29 and 30 under 35 USC 132 is respectfully requested.

In Paragraph 2 and 3 of the Action, pending Claims 14, 15 and 18 through 30 were rejected under 35 USC §102 over U.S. Patent No. 5,272,824 to E. D. Cornelius. By the present response, Claims 14, 15 and 17 through 28 have been canceled.

Regarding Claims 29 and 30, Applicant respectfully traverses the rejection thereof under

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35 USC §102 over the '824 Cornelius reference. Applicant respectfully submits pending Claims 29 and 30 are each patentably distinguishable from the Cornelius device whether taken alone or in combination with the additional art of record. Simply stated, the Cornelius device does not disclose or factually suggest an assembly for releasably attaching an excavating tooth to an excavating implement like the invention defined in either amended Claims 29 or 30. More specifically, the Cornelius device does not disclose or factually suggest an adapter having at least three stabilizing surfaces, wherein each stabilizing surface has a lateral width less than spacing between opposed lateral sides of the adapter. Moreover, the Cornelius device fails to disclose or factually suggest an adapter having three stabilizing surfaces, with each stabilizing surface defining a generally vertical wall extending at least partially in a fore-and-aft direction on opposite sides of the longitudinal axis of the adapter. In contrast to the invention defined in amended Claims 29 and 30, the Cornelius device discloses an adapter wherein the forward stabilizer extends laterally across the entire width of the adapter. Notably, the forward stabilizer in the Cornelius device has no portion extending in a fore-and-aft direction on opposed sides of the longitudinal axis of the adapter. For these and other reasons, Claims 29 and 30 are patentable over the Cornelius reference. Reconsideration and removal of the rejection of Claims 29 and 30 under 35 USC §102 is respectfully submitted.

In Paragraphs 4 and 5 of the Action, Claim 17 was rejected under 35 USC §103 over U.S. Patent No. 5,272,824 to E. D. Cornelius. By the present response, Claim 17 has been canceled. Accordingly, the rejection of Claim 17 is moot.

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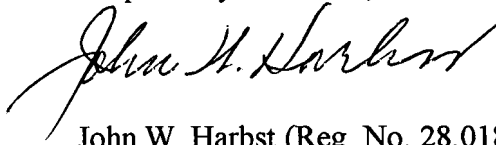
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The prior art of record which the Examiner considers pertinent to Applicant's disclosure - but does not rely upon - have been reviewed again in responding to this Action. It is submitted, however, none of these additional references, either taken alone or in combination with each other or the references relied upon, negatively affects the patentability of the present invention as defined by the amended claims.

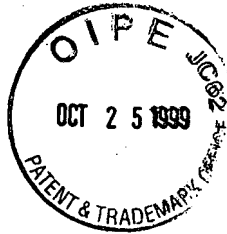
In view of the above, a favorable reconsideration of this patent application and an early passing of this patent application to issue is courteously solicited. Should the Examiner desire to speak to Applicant's attorneys, they may be reached at the number indicated below.

Respectfully submitted;



John W. Harbst (Reg. No. 28,018)
Attorney of Record

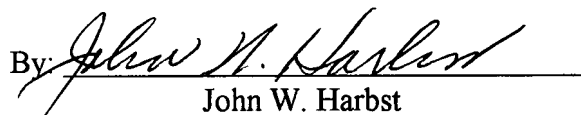
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CERTIFICATE OF MAILING

I hereby certify this AMENDMENT "A" is being deposited with the United States Postal Service in an envelope with sufficient postage as First Class mail and addressed to; Assistant Commissioner for Patents; Box: Non-Fee Amendment; Washington, D.C. 20231 on the date indicated below.

Date: Oct. 20, 1999

By: 
John W. Harbst